

MUSKINGUM COUNTY COURT  
(Direct Sentencing Entry)

State of Ohio

Plaintiff

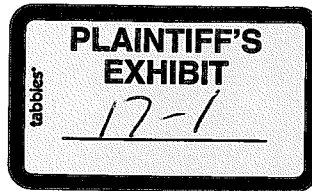
Case No: TRC 0705102

A

VS.

Kirk, Craig M

Defendant


 MUSKINGUM COUNTY COURT  
 2009 JAN -3 AM 10:20
Sentencing Entry

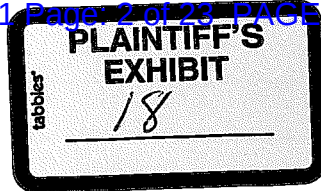
- 1) Defendant entered a Found plea of G to the stated offense of OVI/REFUSAL in violation of RC 4511.19A, a misdemeanor of the 1st degree. Defendant is found GUILTY of the above offense. **THE FOLLOWING SENTENCE IS IMPOSED:**  
 Jail Incarceration of 30 days to begin
- 2) Defendant entered a Found plea of G to the stated offense of DRIV UNDER SUSP in violation of RC 4510.11A, a misdemeanor of the 1st degree. Defendant is found GUILTY of the above offense. **THE FOLLOWING SENTENCE IS IMPOSED:**  
 Jail Incarceration of 10 days to begin
- 3) Defendant entered a Found plea of G to the stated offense of HEAD LIGHTS in violation of RC 4513.04, a misdemeanor of the MM degree. Defendant is found GUILTY of the above offense. **THE FOLLOWING SENTENCE IS IMPOSED:**  
 Jail Incarceration of \_\_\_\_\_ days to begin

**FINANCIAL SANCTIONS:**

- \* \$500/250/50 fine plus court costs to be paid by 12-20-07  
 \* Restitution to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ by \_\_\_\_\_  
 \* Restitution collection fee of \$ \_\_\_\_\_ to be paid by \_\_\_\_\_  
 \* Community service fee of \$ \_\_\_\_\_ to be paid by \_\_\_\_\_

**COMMUNITY CONTROL SANCTIONS (apply to all counts)**

- \_\_\_\_ Attend the 72 hour Driver's Intervention Program in lieu of three days in jail.  
 ✓ Program must be completed within 60 days.  
 \_\_\_\_ License Suspension 1 days/months/years  
 \_\_\_\_ Drug and Alcohol Use Monitoring: Attend \_\_\_\_ AA Meetings per week on separate days for \_\_\_\_ months  
 ✓ Counseling: Evil  
 \_\_\_\_ Muskingum Behavioral Health \_\_\_\_ Genesis \_\_\_\_ CTC  
 \_\_\_\_ Six County \_\_\_\_ Response \_\_\_\_ Other \_\_\_\_  
 ✓ No criminal convictions or first degree misdemeanor traffic offenses for 100 days  
 \_\_\_\_ Community Service: Must complete \_\_\_\_ Hours by \_\_\_\_  
 \_\_\_\_ Probation as follows:  
 \_\_\_\_ Basic Probation Supervision for \_\_\_\_  
 \_\_\_\_ Intensive Probation Supervision \_\_\_\_  
 \_\_\_\_ Obtain and Maintain Full Time Employment \_\_\_\_  
 \_\_\_\_ Obtain Education or Training by \_\_\_\_  
 \_\_\_\_ Other \_\_\_\_  
 \_\_\_\_ Obtain Valid operator's license on or before \_\_\_\_  
 \_\_\_\_ Other Unique Sanctions \_\_\_\_\_



To Probation:

This is a request to move the court for early release. I have about 30 days of a 60 day sentence in. I have my own business over on Brighton and Augusta Street Craig's Auto Repair. It's in the phone book as we. My shop is dying and if I don't get out it will force me to go out business and I'll have to sell off all my equipment. Please move the court to see if I can get out. Me and my family we are trying to move to Zanesville and buy a house and live. I'm in trouble of not being able to pay my fine and doing the requirement of Probation because of my mistake please help me. It's my fault I'm in here but I need some mercy please. I've invested my whole life here and I'm going to lose everything. Please help in the name of God.

Respectfully yours  
Craig Kirk  
Pro SE Practicing the 6th

Friend (??) ←

**MUSKINGUM COUNTY COURT  
PROBATION DEPARTMENT**

27 North 5<sup>th</sup> Street  
Zanesville, Ohio 43701  
Phone: (740) 455-7153  
Fax: (740) 455-7940



Mr. Kirk:

In order for you to get the transcripts from our court as you requested, you must contact Tahyi Court Reporting at (454-7157) and arrange for them to pick up the tapes from our court and payment for their services. If you have any question you may contact me at the above listed number.

Thank you

A handwritten signature in black ink, appearing to read "Brad Shawger", with a long horizontal line extending to the right.

Brad Shawger

Probation Department



Original <sup>Floor 3</sup> 2-2-2008

To Captain Miller

Demand for Retard Articles

Craig Kirk Cell 39 20080019

I need my Prayer Shall Stones concerning  
my Bible and other religious teaching that  
I have at home and at my shop here in town

Respectfully yours  
Craig Kirk  
Pro Se



first shift Sunday.

Original

1-20-2008

A.D.

To; Captin Miller

20080019

Cell 39 Floor 3

Phone Block

Inmate	Kill	Kill
Broken	Broken	Broken

Phones Phone

Cant talk

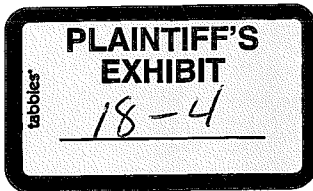
ONCE agin I never got a vist!

yes my family came to see me BUT!  
 one inmate was on the phone to the left  
 BUT the other two phones were Broken. The Pain  
 That I feel Because of my mistake of being in here  
 is hard. I was granted to see my family and all  
 I can do is just sit there and not say anything  
 the other 2 phone dont work! That cuts my  
 soul Deep. and is cold and is unfair!

Respectfully yours

God Bless

Living in Prison



Jesus' death on the cross. You are still trusting in yourself to ESTABLISH YOUR OWN RIGHTEOUSNESS. You cannot get saved by believing this other (false) gospel. Remember, the true gospel teaches that salvation is a gift from God for man, not a work from man for God.

*"For by GRACE are ye saved through FAITH, and that not of yourselves, it is the GIFT OF GOD, not of works, lest any man should boast."* (Eph. 2:8, 9)

*"For if they which are of the law be heirs, FAITH IS MADE VOID, and the promise made of none effect: . . . Therefore it is of FAITH, that it might be by GRACE."* (Rom. 4:14, 16a)

*"And if by GRACE then is it no more of works, OTHERWISE GRACE IS NO MORE GRACE. . ."* (Rom. 11:6)

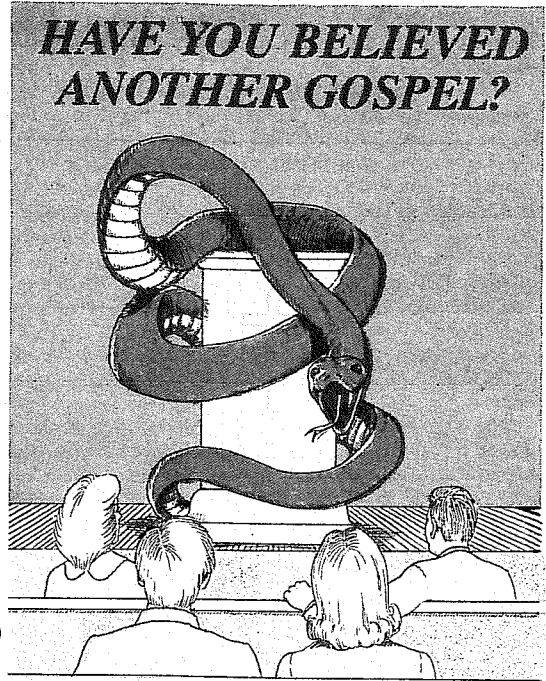
Are you willing to believe the true GOSPEL OF GRACE? If so, with repentance toward God and faith in Jesus, ask Him for the gift of everlasting life right now. The very moment you completely trust Jesus Christ as your saviour and Lord . . . that very moment . . . you are saved . . . forever!

*"Verily, verily, I say unto you, He that heareth my word, and believeth on him that sent me, HATH EVERLASTING LIFE, and shall not come into condemnation; but IS PASSED from death unto life."* (John 5:24).

Please send this tract to us to let us know that after reading it, you have decided to trust Jesus Christ as your Saviour.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City Uniontown Baptist Church  
State Fultonham, Ohio - Phone 849,2977  
Larry Diamond, Pastor

FELLOWSHIP TRACT LEAGUE  
P.O. BOX 164 LEBANON, OH 45036 U.S.A.  
ALL TRACTS FREE AS THE LORD PROVIDES.  
Tract No. 149



*"Which is not another, but there be some that trouble you, and would pervert the gospel of Christ."* (Gal. 1:7).

Friend, have you been deceived into believing "another gospel?" The word "gospel" means glad tidings or good news. The apostle Paul says that this "other gospel" is not a gospel at all; because it does not truthfully present the good news of God's GRACE in His plan of eternal salvation for the souls of men. Out of a sincere concern for those souls, this tract was written to expose the "other gospel" by presenting the true gospel of Jesus Christ as explained by Paul.

Health Organization is carrying all this good news around the world. School textbooks are being modernized. In the cause of general education, the press, radio, and television are pouring out floods of it daily. This has all happened in the 28 years since Dr. Haggard first decided to find out what makes drunks tick.

Every one of these pioneers in the total field will generously say that had it not been for the living proof of

<sup>1</sup>Estimate as of 1958.

<sup>2</sup>Current (1992) estimate of A.A. membership worldwide: more than two million.

The School for Alcohol Studies is now at Rutgers University, New Brunswick, N.J. It publishes the former *Quarterly Journal*—now

recovery in A.A., they could not have gone on. A.A. was the lodestar of hope and help that kept them at it.

So let us work alongside all these projects of promise to hasten the recovery of those millions who have not yet found their way out. These varied labors do not need our special endorsement; they need only a helping hand when, as individuals, we can possibly give it.

a monthly called *Journal of Studies on Alcohol*.

<sup>3</sup>After retiring from her position as executive director, Marty Mann served N.C.A. as founder-consultant until her death in 1980.

*Today, Bill W.'s suggestion is being earnestly followed. The A.A. General Service Board has a Committee on Cooperation with the Professional Community; so has the General Service Conference. These committees enable the Fellowship to put the recommended friendliness into action on a continent-wide basis. The board committee offers cooperation to government and private agencies and to professional people and organizations throughout the alcoholism field.*

Distributed by:  
A.A. WORLD SERVICES, INC.  
P.O. Box 459, Grand Central Station  
New York, NY 10163

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P34

# Let's Be Friendly With Our Friends:

## Friends on the Alcoholism Front

by Bill W.

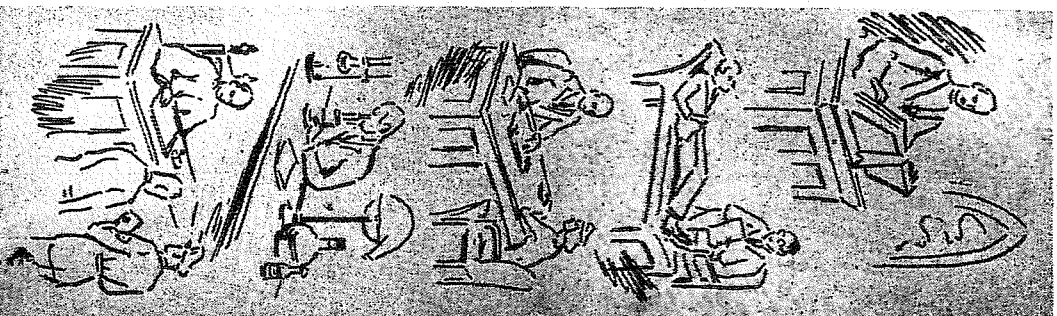
WE ARE TOLD there are 4,500,000<sup>1</sup> alcoholics in America. Up to now, A.A. has sobered up perhaps 250,000<sup>2</sup> of them. That's about one in 20, or five percent of the total. This is a brave beginning, full of significance and hope for those who still suffer. Yet these figures show that we have made only a fair-sized dent on this vast world health problem. Millions are still sick and other millions soon will be.

These facts of alcoholism should give us good reason to think, and to be humble. Surely, we can be grateful for every agency or method that tries to solve the problem of alcoholism—whether of medicine, religion, education, or research. We can be open-minded toward all such efforts, and we can be sympathetic when the ill-advised ones fail. We can remember that A.A. itself ran for years on trial-and-error. As individual A.A.'s, we can and should work with those that promise success—even a little success.

Nor ought we allow our special convictions or prejudices to overcome our good sense and goodwill. For example, numbers of us think that alcoholism is mainly a spiritual problem. Therefore, we have little time for biochemists who would like us to believe that drunks drink mostly because they are bedeviled by bad metabolisms. Likewise, we are apt to get red-hot when psychiatrists wave aside all

Footnotes on last page

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1-128 Pages



## Ohio Jail Administrator's

# HANDBOOK

2<sup>nd</sup> Edition

A Handbook for Ohio Jail Administrators

Compiled by  
Ohio Jail Administrators



### Ohio Handbook Committee Members:

Robert Beightler, Executive Director, Tri-County Regional Jail

Todd Dempsey, Jail Administrator, Erie County Jail

Jeff Eiser, Operations Commander, Hamilton County Jails

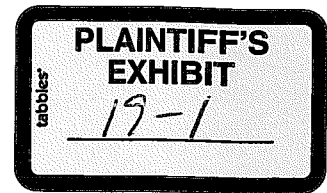
Ryan Kidwell, Jail Administrator, Hancock County Jail

William P. McGee, Jail Administrator, Solon City Jail

William Schultz, Jail Administrator, Bedford Heights City Jail

**March 2008**

### Dedication to Susan Beach



On May 8, 2006 our friend and mentor Captain Susan Beach, Jail Administrator of the Hancock County Sheriff's Office lost a two-year battle with cancer. The Findlay - Hancock County community and the State of Ohio lost a driven, compassionate, leader, and defined corrections professional.

Captain Beach began her career with the Hancock County Sheriff's Office in December 1981 serving as a clerical staff member. Throughout her career she was promoted to clerk supervisor in 1986 and Administrative Assistant in 1990 where she served in the Corrections division. In 1995 she was promoted to the rank of Lieutenant and assigned the role of Jail Administrator serving as Hancock County's first female jail administrator. In 2002 Captain Beach was promoted to the rank of Captain where she served until her retirement in January of 2006.

In addition to her duties as Jail Administrator Captain Beach was actively involved in promoting the profession of Corrections through her serving on the Buckeye State Sheriff's Association Community Corrections Board, Hancock County Sheriff's Office Rehabilitation and Opportunity Center Board, member of the American Jail Association and served on the transition team which assisted with the development and opening of the current Hancock County Justice Center in 1989. Susan was also actively involved in corrections through her continual research and initiatives in making corrections a more exposed profession while attempting to play an active role in lessening the inmate recidivism rate.

Captain Beach was instrumental in being the driving force in the development and gathering of administrators with the assistance of the State of Ohio Bureau of Adult Detention in creating the First Edition of what is now know as the Ohio Jail Administrators Handbook serving as a self help manual for Jail Administrators in their daily roles.

Captain Susan Beach was an inspiration to all who knew her. We the committee of the Second Edition of the Ohio Jail Administrators Handbook hereby dedicate the handbook and our efforts in memory of Captain Susan Beach.

Previous Handbook Authors / Editors

**2005 Edition**

Susan Beach, Jail Administrator, Hancock County Jail

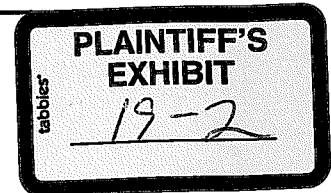
Ted Bruner, Jail Administrator, Darke County Jail

Jim Dennis, Executive Director, Corrections Center of Northwest Ohio

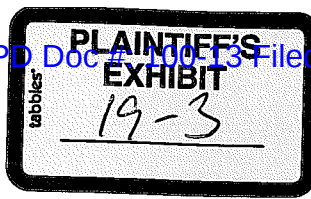
Joseph Lynch, Jail Administrator, Auglaize County Jail

Mike Roach, Jail Administrator, Clark County Jail

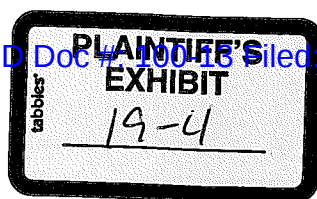
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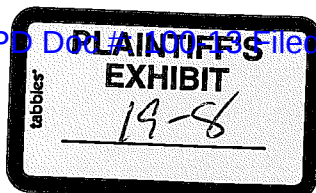
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## **JAIL OPERATION ASSESSMENT CHECKLISTS**

Checklist 1 Policies and Procedures, Post Orders, and Documentation

Checklist 2 Staffing, Recruitment, Hiring, Retention, and Scheduling

Checklist 3 Planning, Budgeting, and Personnel Management

Checklist 4 Internal and External Inspections

Checklist 5 Monitoring Population Data

Checklist 6 Jail Facilities Assessment

Checklist 7 Emergency Preparedness

Checklist 8 Inmate Behavior Management

Checklist 9 Inmate Discipline

Checklist 10 Facility Security



*Each time you see  
this symbol, you  
can click on the  
Checkmark and it  
will take you to the  
checklist for this  
topic area.*

19. Is the staff's level of interaction with the inmates sufficient for staff to supervise the inmates effectively and manage their behavior?  Comments:	<input type="checkbox"/>	<input type="checkbox"/>
20. Does the jail offer incentives to encourage inmates to behave well and comply with the rules?  Comments:	<input type="checkbox"/>	<input type="checkbox"/>
21. Does the jail have a formal disciplinary process for inmates who break the rules?  Comments:	<input type="checkbox"/>	<input type="checkbox"/>
<b>Productive Activities</b>		
22. Are inmates kept productively engaged in activities throughout the day to avoid extended periods of idleness?  Review the daily schedule to determine the amount of planned activity and tour the housing units at various times to see the level of inmate participation in activities.  Comments:	<input type="checkbox"/>	<input type="checkbox"/>

Additional Comments

**PLAINTIFF'S  
EXHIBIT**

Exhibits

Ohio Jail Administrator's Handbook, 2<sup>nd</sup> Edition

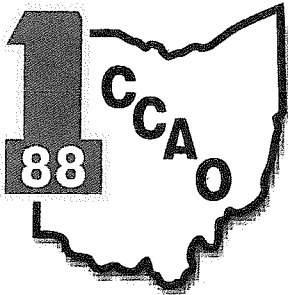
## CHECKLIST 9: INMATE DISCIPLINE

### Inmate Discipline

Yes No

1. Does the jail have written policies and procedures governing the inmate disciplinary process?	<input type="checkbox"/>	<input type="checkbox"/>
Comments:		
2. Does the inmate disciplinary process include the following components?		
Written rules governing inmate conduct	<input type="checkbox"/>	<input type="checkbox"/>
Written description of sanctions for rule violations	<input type="checkbox"/>	<input type="checkbox"/>
Written description of the disciplinary process	<input type="checkbox"/>	<input type="checkbox"/>
Inmate orientation/access to rules, sanctions and the disciplinary process	<input type="checkbox"/>	<input type="checkbox"/>
Provisions for resolving minor infractions	<input type="checkbox"/>	<input type="checkbox"/>
Notice of rule violation	<input type="checkbox"/>	<input type="checkbox"/>
Procedures for a fair hearing on rule violations	<input type="checkbox"/>	<input type="checkbox"/>
Documentation of disciplinary actions	<input type="checkbox"/>	<input type="checkbox"/>
Review of disciplinary decisions by a higher authority	<input type="checkbox"/>	<input type="checkbox"/>
Right to appeal	<input type="checkbox"/>	<input type="checkbox"/>
Comments:		
3. Is staff adequately trained in the rules and disciplinary procedures?	<input type="checkbox"/>	<input type="checkbox"/>
Comments:		

4. Do any problems or issues relating to inmate discipline require immediate attention?		<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
<b>Inmate Grievances</b>			
5. Does the jail have a formal grievance process?		<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
6. Is a staff person responsible for administering the grievance system?		<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
7. Do the inmate handbook and inmate orientation provide information about the grievance process?		<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
8. Does the jail's grievance system provide for the following?			
Access by all inmates without reprisal		<input type="checkbox"/>	<input type="checkbox"/>
Availability of grievance forms		<input type="checkbox"/>	<input type="checkbox"/>
Staff assistance to inmates desiring help in preparing grievances		<input type="checkbox"/>	<input type="checkbox"/>
Written responses to grievances		<input type="checkbox"/>	<input type="checkbox"/>
Reasonable timeframes for reviewing and responding to grievances		<input type="checkbox"/>	<input type="checkbox"/>
Supervisory review of all grievances		<input type="checkbox"/>	<input type="checkbox"/>
Process appeal to a higher authority		<input type="checkbox"/>	<input type="checkbox"/>
Comments:			



# HANDBOOK

Ohio County Commissioners

*Published by: County Commissioners Association of Ohio*

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## CHAPTER 8

# LIABILITY, IMMUNITY, AND INSURANCE

Latest Revision  
November, 2008

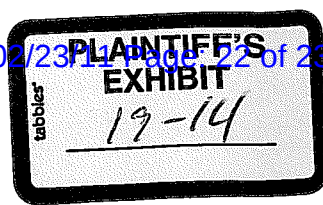
### 8.01 GENERAL

This Chapter outlines the exposure the county and its officials and employees have to liability; how immunity protects the county and its officials and employees; insurance options available to cover property and liability risks, and procedures to procure insurance.

Running county government often means defending lawsuits and experiencing losses to county property. While aggressive loss control, safety, and risk management programs can reduce the likelihood of and magnitude of losses, some form of insurance protection is usually needed by counties.

### 8.02 LIABILITY AND IMMUNITY BACKGROUND

Historically, counties had no liability. In England, the King set up the courts, and so the King could not be sued in them. This tradition followed settlers to America, where "sovereign immunity" kept claimants from suing the government and its officials. Sovereign immunity was eroded slowly until buried by a court decision in 1982 (*Zents v Board of Commissioners*, 9 OS 3d 204). To restore some degree of protection to political subdivisions and their officials and employees, CCAO worked with the General Assembly and other public interest groups to enact ORC Chapter 2744, the Political Subdivision Tort Liability Law.



cases, harassment, wrongful termination cases, and zoning cases. ORC Chapter 2744, and therefore the available immunities and defenses included in the Chapter, would not apply to actions brought in federal court. However, in federal court actions, generally an individual is immune if the employee acted in good faith or if the actions were reasonable to a reasonable observer (*Mitchell v Forsyth*, 472 U.S. 511, 1985). Attorneys fees, if permitted under the section of law referenced in the suit, are available for the successful claimant (*Carey v Piphus*, 435 U.S. 247, 1978).

#### **8.10 CIVIL RIGHTS CLAIMS AGAINST COUNTIES**

Civil rights claims against officials in their official capacity, or against the county or its departments as an entity, may only be maintained if the unconstitutional conduct of the county employee is part of a custom, policy or procedure of the county (*Monell v Dept. of Social Services*, 436 U.S. 658, 1978). An example is the county that had a policy of failing to train deputy sheriffs so that the deprivation of civil rights of others was in fact caused by the county (*City of Canton v Harris*, 489 U.S. 378, 1989). A successful claimant may receive attorney fees and compensatory damages from the county. In addition, the county may either be required to stop a practice (injunctive relief) or be required to take to perform specific tasks (declaratory relief), such as making a law library available to inmates.

#### **8.11 STATUTE OF LIMITATIONS**

Claims or lawsuits for injury or damage to property must be made within two years of when the injury or damage occurs. Although the two-year statute of limitations applies to the majority of claims and lawsuit, there are exceptions. The claims for employment discrimination may be brought up to six years after the wrongful act occurs.

#### **8.12 ISSUANCE OF DEBT TO PAY CLAIMS AND ESTABLISH RESERVES**

Counties are authorized to issue general or special obligation bonds for purposes related to liability insurance as follows:

1. To provide funds to pay judgments, losses, damages, and the expenses of litigation or costs to settle claims.
2. To provide funds for a county that establishes its own self insurance program to establish a special fund from which to pay claims.
3. To provide funds to pay the county costs, including the establishment of a reserve fund, for establishing and maintaining a joint self insurance pool.

These bonds need not follow normal issuance procedures specified in the uniform bond law unless the county elects to use these procedures. In such a case, they may be issued for not more than 20 years. Such bonds are exempt from the direct debt limit of ORC Section 133.05, but are subject to the indirect or constitutional debt limit.



The Ohio Historical Society has a manual that has forms in it that are very helpful in setting up a record system. The forms can also be accessed at [www.ohiohistory.org/resource/lgr/forms.html](http://www.ohiohistory.org/resource/lgr/forms.html). The State Auditor's Office also has AOS Technical Bulletins available that date back to 1995.

Prisoner records are a valuable source of information; therefore, a case record should be maintained for every prisoner taken into the custody of your facility.

### Prisoner Rights and Privileges

Every effort should be made to provide prisoners with a clean, safe, assault free, and harassment free environment. Prisoner civil rights must be guarded. Corporal punishment is never acceptable.

Prisoners' rights are generally divided into two categories **Fundamental** rights and **Qualified** rights. Fundamental rights include Constitutional rights which must be provided. Fundamental rights typically include visits by attorney or clergy, telephone calls to attorney or clergy, adequate food/nutrition, adequate lighting, ventilation, temperature control, sanitation, medical care and access to a grievance mechanism. Qualified Rights are rights that are guaranteed to prisoners as long as they are behaving (ex. Recreation). Qualified rights can be created through a jail's policies and procedures. Prisoners also have the right to fair disciplinary procedures. Fundamental rights cannot be suspended for disciplinary action. Qualified Rights or privileges may be suspended as a part of disciplinary action however the established guidelines of the Ohio Minimum Standards must be followed. See the Ohio Minimum Standards 5120: 1-8-12 & 14 Discipline. See the Ohio Minimum Standards glossary for a definition of fundamental rights and privileges. 5120: 1-7-02 Glossary of Terms (16) (35).

#### Fundamental Rights

##### Description:

Those rights which must be provided to all prisoners.

##### Examples:

Food, Lights, Attorney / Clergy  
Visits or calls

#### Qualified Rights

##### Description:

Those rights guaranteed to prisoners as long as they are behaving

##### Examples:

Recreation, Dayroom Access,  
visits by family and friends

#### Privileges

##### Examples:

TV on/off time, extra food,  
snacks, extra TV channels

### Lawsuits

We live in a litigious or lawsuit prone society. The sheriff, board of commissioners or regional board, you, or your employees may get sued. When this occurs typically you will want to, notify the person you report to and your agency's legal representative (attorney) and any jail employees listed as defendants. The Sheriff or Commissioners will likely contact the jail's insurance carrier or direct you to act as their designee.